

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36334

STATE OF IDAHO,)	2010 Unpublished Opinion No. 333
)	
Plaintiff-Respondent,)	Filed: January 29, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
CLIFF JAMES KEIPPER,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Judgment of conviction and unified sentence of six years, with two years determinate, for involuntary manslaughter, affirmed.

Molly J. Huskey, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

Cliff James Keipper was charged with second degree murder, with a deadly weapon enhancement, and pursuant to a plea agreement, entered an *Alford*¹ plea to an amended charge of involuntary manslaughter, Idaho Code §18-4006, and the state agreed to remain silent at sentencing. The district court sentenced Keipper to a unified term of six years, with two years determinate. Keipper filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Keipper appeals from his judgment of conviction and sentence, contending that the district court abused its discretion by imposing an excessive sentence.

¹ *North Carolina v. Alford*, 400 U.S. 25 (1970).

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Keipper's judgment of conviction and sentence are affirmed.